

REMARKS

Claims 1-14, 16-23 and 28-31 are in this application and are presented for reconsideration. By this Amendment, Applicant has amended claims 30, and made various minor changes to the drawings to improve the clarity and style of this application. Claims 2-4, 6-8, 11, 13, 16, 18, 19, 21, and 22 have been withdrawn from consideration by a previous election. Claim 30 has been amended to address the claim objection of the Office Action.

By this Amendment, the Applicant has amended a claim to overcome the Examiner's objection and respectfully makes assertions for overcoming the rejections of the outstanding Office Action dated December 7, 2005 in the following paragraphs.

Information Disclosure Statement

The Office Action states that the references in the specification have not been considered because they are not submitted in a separate paper.

In response, Applicant hereby states that the references in the specification had already been submitted in an IDS in a parent case with application no. 09/700,598 on January 18, 2001. Applicant incorporates by reference the prior parent case and directs the Office to the IDS filed in the parent case.

Drawing Objection under 37 C.F.R. §1.83(p)(4)

The drawings have been objected to under 37 C.F.R. §1.83(p)(4) for indicating the objects in the figures incorrectly. Specifically, the objection states that the sealing bellows in

Figures 1, 2, 5-7, and 9 and the sliding ring in Figures 1, 5, 6, and 9 should not be indicated with cross hatching.

In response, Applicant attaches a set of Replacement Sheet drawings including Figures 1, 2, 5-7, and 9 with the amendment to the drawings.

Further, the Office Action states that Figure 10 does not comply with 37 C.F.R. §1.84(i) because the cross sectional view is interposed on the front sectional view, or vice versa.

In response, Applicant attaches herewith a copy of a figure from the "Guide for the Preparation of Patent Drawings" which shows such a view as a well-accepted norm at the Patent Office.

Finally, the Office Action objected to the drawings because the Office contends that reference characters 4.3 and 5.1 have both been used to designate the same seal in several Figures.

Applicant notes that the labyrinth seal 4.3 and 5.1 indicate a seal formed between two elements, each element having its own side. Thus, the seal 4.3, 5.1 is within the norms of usage of reference characters. If the Office disagrees with this position, Applicant's representative requests that the Examiner contact the representative at the number listed below.

Claim Objections

Claim 30 has been objected to as having the feature phrase "the inner surface" instead of --an inner surface--.

It is Applicant's position that the inner surface is an inherent part of the ball race. Such

inherent portion does not require "an" to introduce a new element. Other examples may be "the inside of a box" or "the right side of a widget".

However, to expediently advance the Application through the prosecution process, Applicant has amended claim 30 as suggested in the Office Action.

Rejection under 35 U.S.C. §102

Claims 1, 5, 9, 10, 12, 14, 17, 20, 23, and 29 have been rejected under 35 U.S.C. §102(b) as being anticipated by JP-2-199317 to Yao (the "Yao '317" reference, hereinafter). This rejection is based on the Office position that all features of the above claims are shown by the Yao '317 reference.

The prior art as a whole including the Yao '317 reference neither teaches nor suggests the present invention as claimed. Applicant has reviewed the Yao '317 reference, and finds neither a teaching nor a suggestion that the sliding ring is mounted to slide in the ball race. In fact, the element A1 of Yao '317 reference which is taken to be equivalent to the sliding ring according to the Patent Office, is shown embedded in the sealing bellows. Since the sealing bellows is touching at least three sides of what is equivalent to the ball race, by the Office's position, the sealing bellows can not slide in the ball race. Similarly, the sliding ring which is embedded in the sealing bellows also can not slide in the ball race either. Therefore claim 1 cannot be anticipated by the Yao '317 reference.

Additionally, the Yao '317 reference does not disclose or suggest lugs arranged at spaced locations from one another. Thus, claims 1, 5, 9, 10, 12, 14, 17, 20, 23, and 29 can not

be anticipated nor suggested by the Yao '317 reference.

Claims 1 and 28 have been rejected under 35 U.S.C. §102(b) as being anticipated by the U.S. Pat. No. 4,639,159 to Amrath (the "Amrath '159" reference, hereinafter). This rejection is based on the Office position that all of the features of claims 1 and 28 are shown by the Amrath '159 reference.

The prior art as a whole including the Amrath '159 reference neither teaches nor suggests the present invention as claimed. The discloses a rack steering linkage 1 wherein a bellows 4 is fastened between a rack housing 2 and a ball pin 3 in order to seal off a ball joint 5. The device for fastening the bellows 4 to the ball pin 3 comprises annular disk 7 with a holding ring 8 arranged thereon and a wire ring 9 which holds the end of the bellows 4 in a circumferential groove 8b in the holding ring 8. The annular disk 7 has a closed outer circumferential edge 10 on which the holding ring 8 formed with a complementary inwardly opening annular groove 8a can be snap-fastened, as well as inwardly extending segments 12 separated from each other by slots 11. The inside diameter of the disk 7, which is defined by the inner ends of the segments 12, is small than the outside diameter of the ball pin 3 on which the disk 7 is to be fastened. For this reason, the segments 12 are bent alternatively in opposite directions out of the plane of the edge 10 and then impart to the disk 7 the inwardly open bell-shaped form. In order to facilitate mounting, the inner ends of the segments 12 can be provided on one side with inwardly bent mounting flanges 13 or else with outwardly bent mounting flanges 14 which are slightly bent upwards.

However, the segments 12 according to the Amrath '159 reference extend inwardly.

In contrast to this disclosure, the lugs according to the present invention extend outwardly (see Figs. 1, 2, and 3 of the present application).

Further, the Amrath '159 reference fails to disclose that the holding ring 8 is a sliding ring and is able to slide relative to the disk 7. In contrast to this, the sliding ring according to the present invention is able to slide relative to the ball race.

Furthermore, the Amrah '159 reference fails to disclose that the holding ring 8 is cross-sectionally an L-shaped ring.

Finally, the Amrath '159 reference fails to disclose that a radial leg of the hlding ring 8 is arranged between the bellows 4 and the disk 7 in the axial direction. In particular, the holding ring 8 according to the Amrath '159 reference is arranged between the bellows 4 and the disk 7 in the radial direction.

Applicant further notes that Amrah '159 reference does not provide any suggestion or motivation which would lead a person of ordinary skill in the art to believe that such direction would be beneficial. Instead, the Amrah '159 reference leads a person of ordinary skill in the art to a different design, completely different from the present invention as claimed. Thus, the Amrah '159 reference does not anticipate nor does it suggest the present invention as claimed.

Rejection under 35 U.S.C. §103(a)

Claims 30 and 31 have been rejected as being obvious over the Yao '317 reference in view of the U.S. Pat. No. 2,197,037 to Gardner (the "Gardner '037" reference, hereinafter). The Office admits that the Yao '317 reference does not disclose radial leg in sliding contact

with an inner surface of the ball race and the radial leg between the sealing bellows and the lugs. The Office then relies on the Gardner '037 reference to suggest this feature.

It is Applicant's position that claims 30 and 31 are not obvious over the Yao '317 reference in view of the Gardner '037 reference. The present invention as claimed provides for a combination of features not taught by the prior art as a whole including the Yao '317 reference and the Gardner '037 reference. For instance, there are several differences for the present invention as claimed.

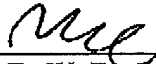
As mentioned above, the Yao '317 reference does not include sliding ring and lugs spaced apart from each other. Such features are not disclosed nor suggested by the Gardner '037 reference either. Thus, the combination of features are not made obvious by the two references. Applicant also notes that there must be some suggestion or teaching in the prior art as a whole which would lead the person of ordinary skill in the art to provide the combination as claimed. As the prior art as a whole fails to direct the person of ordinary skill in the art toward the claimed combination, the invention should be considered not anticipated, non-obvious and thus patentable.

As the prior art fails to suggest the combination of features as claimed, Applicant respectfully requests that the Examiner favorably consider the claims in view of the discussion above. Applicant respectfully solicits allowance of this application.

It is applicant's position that all claims are now allowable. Should the Examiner determine that issues remain that have not been resolved by this response, the Examiner is requested to contact Applicant's representative at the number listed below.

Favorable action is requested.

Respectfully submitted
For Applicant,

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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

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I HEREBY CERTIFY THAT THIS PAPER FOR SERIAL NO. 10/632,017 (22 PAGES IN ALL) IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE FACSIMILE NUMBER 571-273-8300 ON THE DATE SHOWN BELOW.

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